

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RODNEY SMITH,
DENISE GANT,
EBONY SIMON,
PHYA SCOTT,
PRISCILLA JACKSON,
SHARON CHARLES,
YOLANDA LAWRENCE,
YOLANDA RATCLIFF, and
ZHANE RATCLIFF,

Defendants.

**Affirmation in Support of
Application for Order of Continuance**

22 Mag. 9613

State of New York)
County of New York) ss.:
Southern District of New York)

Derek Wikstrom, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. Defendants Rodney Smith, Denise Gant, Ebony Simon, Phya Scott, Priscilla Jackson, Sharon Charles, Yolanda Lawrence, Yolanda Ratcliff, and Zhane Ratcliff were charged in a complaint, dated November 29, 2022, with counts of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and wire fraud, in violation of 18 U.S.C. §§ 1343 and 2. Smith was also charged with aggravated identity theft, in violation of 18 U.S.C. §§ 1028A and 2.

3. Smith, Gant, Charles, Lawrence, Yolanda Ratcliff, and Zhane Ratcliff were arrested on November 30, 2022, and were presented the same day before Magistrate Judge Sarah Netburn. Each defendant was ordered to be released on bail subject to certain conditions on or about the same day. Smith was represented by Jonathan A. Marvinny, Esq.; Gant was represented by Christine Delince, Esq.; Charles was represented by Benjamin C. Zeman, Esq.; Lawrence was represented by Christopher D. Wright, Esq.; Yolanda Ratcliff was represented by Donna R. Newman, Esq.; and Zhane Ratcliff was represented by David Touger, Esq.

4. Simon was arrested on November 30, 2022, and was presented the next day, December 1, 2022, before Magistrate Judge Stewart D. Aaron. Simon was ordered to be released on bail subject to certain conditions on or about the same day. Simon was represented by Lorraine Gauli-Rufo, Esq.

5. Jackson was arrested on December 1, 2022, and was presented the same day before Magistrate Judge Stewart D. Aaron. Jackson was ordered to be released on bail subject to certain conditions on or about the same day. Jackson was represented by Lisa Scolari, Esq.

6. Scott was arrested on December 2, 2022, and was presented the same day before Magistrate Judge Stewart D. Aaron. Scott was ordered to be released on bail subject to certain conditions on or about the same day. Scott was represented by Peter E. Brill, Esq.

7. Counsel for each defendant consented to a waiver of his or her client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until December 30, 2022, to file an indictment or information charging Smith, Gant, Charles, Lawrence, Yolanda Ratcliff, Zhane Ratcliff, Simon, and Jackson, and initially had until January 3, 2023, to file an indictment or information charging Scott. On December 30, 2022,

Magistrate Judge Katharine H. Parker entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until January 30, 2023 as to all defendants.

8. Counsel for each defendant and Assistant United States Attorneys Kedar Bhatia, Rebecca Dell, and I have had discussions regarding a possible disposition of this case. The discussions have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on January 30, 2023.

9. Therefore, the Government is requesting a 30-day continuance until March 1, 2023, to continue the foregoing discussions and reach a disposition of this matter. Counsel for each defendant has consented to this request. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

10. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendants in a speedy trial.

Dated: New York, New York
January 26, 2023



Derek Wikstrom
Assistant United States Attorney
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